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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/089,440      | 05/03/2002  | Andrew Nicholas Dames | 604-631             | 6931             |

7590

10/06/2003

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1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

| EXAMINER |
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LA, ANH V

| ART UNIT | PAPER NUMBER |
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2636

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/089,440

Applicant(s)

DAMES ANDREW ET AL

Examiner

Anh V La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pettigrew.

Regarding claim 1, Pettigrew discloses a magnetic tag for storing comprising at least one magnetic element configured such that the data is stored by reference to a combination of two or more characteristics associated with each element (column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 2, Pettigrew discloses a first one of the characteristics being used to distinguish each element and a second one of the characteristics being used to store data (column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 3, Pettigrew discloses one or more of the characteristics being used to store additional data (column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 4, Pettigrew discloses two or more characteristics include one or more selected from element coercivity, bias, orientation, amplitude response of an element, permeability.

Regarding claim 5, Pettigrew discloses two or more bits of data (column 3, lines 50-68, col. 8, lines 14-25).

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Regarding claim 6, Pettigrew discloses a plurality of magnetic elements, each of elements being disposed in a different orientation and each having a magnetic bias member capable of assuming a plurality of states (column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 7, Pettigrew discloses the orientation of each of the elements being selected from a set of possible orientations (column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 8, Pettigrew discloses one or more of the elements being arranged to exhibit a different coercivity (col. 2, lines 1-15).

Regarding claim 9, Pettigrew discloses one or more of the elements being arranged to exhibit a different amplitude (col. 3, lines 5-29).

Regarding claim 10, Pettigrew discloses the effective dimensions of the elements being different from that of other elements to produce a variation in amplitude response (col. 3, lines 5-29).

Regarding claim 11, Pettigrew discloses a plurality of intersecting magnetic elements with a different orientation for each of the elements and each element having a coercivity selected from a set of possible coercivities (col. 2, lines 1-15, column 3, lines 50-68, col. 8, lines 14-25).

Regarding claim 12, Pettigrew discloses the relative orientations of the elements being used to identify the elements and to store data and the coercivities of the elements being used to store further data (col. 2, lines 1-15, column 3, lines 50-68, col. 8, lines 14-25).

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Regarding claim 13, Pettigrew clearly discloses the intersecting elements being arranged such that they do not bisect one another.

Regarding claim 14, Pettigrew discloses a plurality of magnetic element with a different orientation for each of the elements.

Regarding claim 15, Pettigrew discloses a plurality of magnetic elements, each element being located at one of a plurality of possible locations and each having a coercivity which is selected from a set of possible coercivities (col. 2, lines 1-15, column 3, lines 50-68, col. 8, lines 14-25).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamashita, Tyren, Schrott, and Gambino teach magnetic tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (703) 305-3967.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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A handwritten signature in black ink, appearing to read 'Anh V La', with a long horizontal stroke extending to the right.

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 30, 2003